

Union Calendar No. 450

104TH CONGRESS
2D Session

H. R. 3391

[Report No. 104-822, Part I]

A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

SEPTEMBER 24, 1996

Reported from the Committee on Commerce with an amendment

SEPTEMBER 24, 1996

Referral to the Committee on Ways and Means extended for a period ending not later than September 24, 1996

SEPTEMBER 24, 1996

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1996

Mr. SCHAEFER (for himself, Mr. STUPAK, Mr. BURR, Mr. HEFNER, and Mr. BEREUTER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 24, 1996

Additional sponsors: Mr. WICKER, Mr. KLUG, Mr. LONGLEY, Mr. CAMP, Mr. SKEEN, Mr. GRAHAM, Mr. TAUZIN, Mr. ROEMER, Mr. WHITFIELD, Mr. PORTER, Mr. BARTON of Texas, Mrs. MYRICK, Mr. COOLEY of Oregon, Mr. NORWOOD, Mr. PARKER, Mr. HEFLEY, Mr. FRELINGHUYSEN, Mr. CRAPO, Mr. GILLMOR, Mr. RICHARDSON, Mr. PAXON, Mr. TAYLOR of North Carolina, Mr. LIVINGSTON, Mr. LUCAS of Oklahoma, Mr. SPRATT, Mrs. VUCANOVICH, Mrs. THURMAN, Mr. PALLONE, and Mr. BURTON of Indiana

SEPTEMBER 24, 1996

Reported from the Committee on Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 24, 1996

Referred to the Committee on Ways and Means extended for a period ending not later than September 24, 1996

SEPTEMBER 24, 1996

Committee on Ways and Means Discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 2, 1996]

A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Leaking Underground*
 5 *Storage Tank Trust Fund Amendments Act of 1996”.*

6 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

7 *(a) TRUST FUND DISTRIBUTION.—Section 9004 of the*
 8 *Solid Waste Disposal Act (42 U.S.C. 6991c) is amended*
 9 *by adding at the end the following new subsection:*

10 *“(f) TRUST FUND DISTRIBUTION TO STATES.—*

11 *“(1) IN GENERAL.—(A) The Administrator shall*
 12 *distribute to States at least 85 percent of the funds*
 13 *appropriated to the Environmental Protection Agency*
 14 *from the Leaking Underground Storage Tank Trust*
 15 *Fund (in this subsection referred to as the ‘Trust*

1 *Fund’)* each fiscal year for the reasonable costs under
2 *cooperative agreements entered into with the Admin-*
3 *istrator for the following:*

4 “(i) *States’ actions under section*
5 *9003(h)(7)(A).*

6 “(ii) *Necessary administrative expenses di-*
7 *rectly related to corrective action and compensa-*
8 *tion programs under section 9004(c)(1).*

9 “(iii) *Enforcement of a State or local pro-*
10 *gram approved under this section or enforcement*
11 *of this subtitle or similar State or local provi-*
12 *sions by a State or local government.*

13 “(iv) *State and local corrective actions pur-*
14 *suant to regulations promulgated under section*
15 *9003(c)(4).*

16 “(v) *Corrective action and compensation*
17 *programs under section 9004(c)(1) for releases*
18 *from underground storage tanks regulated under*
19 *this subtitle in any instance, as determined by*
20 *the State, in which the financial resources of an*
21 *owner or operator, excluding resources provided*
22 *by programs under section 9004(c)(1), are not*
23 *adequate to pay for the cost of a corrective action*
24 *without significantly impairing the ability of the*
25 *owner or operator to continue in business.*

1 “(B) *Funds provided by the Administrator*
2 *under subparagraph (A) may not be used by States*
3 *for purposes of providing financial assistance to an*
4 *owner or operator in meeting the requirements re-*
5 *specting underground storage tanks contained in sec-*
6 *tion 280.21 of title 40 of the Code of Federal Regula-*
7 *tions (as in effect on the date of the enactment of this*
8 *subsection) or similar requirements in State pro-*
9 *grams approved under this section or similar State or*
10 *local provisions.*

11 “(2) *ALLOCATION.—*

12 “(A) *PROCESS.—In the case of a State that*
13 *the Administrator has entered into a cooperative*
14 *agreement with under section 9003(h)(7)(A), the*
15 *Administrator shall distribute funds from the*
16 *Trust Fund to the State using the allocation*
17 *process developed by the Administrator for such*
18 *cooperative agreements.*

19 “(B) *REVISIONS TO PROCESS.—The Admin-*
20 *istrator may revise such allocation process only*
21 *after—*

22 “(i) *consulting with State agencies re-*
23 *sponsible for overseeing corrective action for*
24 *releases from underground storage tanks*

1 *and with representatives of owners and op-*
2 *erators; and*

3 “(ii) *taking into consideration, at a*
4 *minimum, the total revenue received from*
5 *each State into the Trust Fund, the number*
6 *of confirmed releases from leaking under-*
7 *ground storage tanks in each State, the*
8 *number of notified petroleum storage tanks*
9 *in each State, and the percent of the popu-*
10 *lation of each State using groundwater for*
11 *any beneficial purpose.*

12 “(3) *RECIPIENTS.—Distributions from the Trust*
13 *Fund under this subsection shall be made directly to*
14 *the State agency entering into a cooperative agree-*
15 *ment or enforcing the State program.*

16 “(4) *COST RECOVERY PROHIBITION.—Funds pro-*
17 *vided to States from the Trust Fund to owners or op-*
18 *erators for programs under section 9004(c)(1) for re-*
19 *leases from underground storage tanks are not subject*
20 *to cost recovery by the Administrator under section*
21 *9003(h)(6).”.*

22 “(b) *CONFORMING AMENDMENT.—Section 9508(c)(1) of*
23 *the Internal Revenue Code of 1986 is amended by inserting*
24 *before the period at the end the following: “and to carry*
25 *out section 9004(f) of such Act”.*

1 (c) *TECHNICAL AMENDMENTS.—Subtitle I of the Solid*
 2 *Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended*
 3 *as follows:*

4 (1) *Section 9001(3)(A) (42 U.S.C. 6991(3)(A)) is*
 5 *amended by striking out “sustances” and inserting in*
 6 *lieu thereof “substances”.*

7 (2) *Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is*
 8 *amended by striking out “subsection (c) and (d)” and*
 9 *inserting in lieu thereof “subsections (c) and (d)”.*

10 (3) *Section 9004(a) (42 U.S.C. 6991c(a)) is*
 11 *amended by striking out “in 9001(2)(A)” and insert-*
 12 *ing in lieu thereof “in section 9001(2)(A)”.*

13 (4) *Section 9005 (42 U.S.C. 6991d) is amend-*
 14 *ed—*

15 (A) *in subsection (a), by striking out “study*
 16 *taking” and inserting in lieu thereof “study, tak-*
 17 *ing”;*

18 (B) *in subsection (b)(1), by striking out*
 19 *“relevent” and inserting in lieu thereof “rel-*
 20 *evant”;* and

21 (C) *in subsection (b)(4), by striking out*
 22 *“Evironmental” and inserting in lieu thereof*
 23 *“Environmental”.*